

**CONFLICT OF INTEREST CODE FOR
DESIGNATED EMPLOYEES OF THE STATE BAR OF CALIFORNIA
(Amended by the Board of Governors January 23, 2003)**

Section 1. Definitions.

The definitions contained in chapter 2 of the Political Reform Act of 1974 (Government Code sections 82000 et seq.) regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this Amended Conflict Of Interest Code (hereinafter "Code").

Section 2. Designated Employees.

The persons holding the positions listed in Appendix A (which is attached to this Code and made a part hereof), are **Designated Employees** of the State Bar of California. These persons have been so designated, based on this agency's determination that they make or participate in the making of decisions, which may foreseeably have a material effect on their financial interests.

Section 3. Statement of Economic Interests. Where to File.

Each Designated Employee shall file his or her original Statement of Economic Interests, disclosing all reportable financial interests applicable to his or her position, with the Office of the Secretary of the State Bar of California.

The Secretary shall promptly forward all such Statements of Economic Interests to the State Bar's Code Reviewing Body, the Board of Governors of the State Bar of California, within five days after the filing deadlines enumerated in Section 5 of this Code.

Section 4. Disclosure Categories.

Appendix B (which is attached to this Code and made a part hereof) contains a description of various enumerated disclosure categories. Adjacent to each Designated Employee position in Appendix A are number(s) that correspond to the various disclosure categories contained in Appendix B. Each Designated Employee shall disclose in his or her Statement of Economic Interests those financial interests he or she has which are of the kind described in his or her assigned disclosure categories. It has been determined by the Board of Governors that the financial interests set forth in a Designated Employee's assigned disclosure categories are the kinds of financial interests, which he or she foreseeably can affect materially through the conduct of his or her office.

Section 5. Time for filing Statement of Economic Interests.

The time for filing Statements of Economic Interests shall be as follows:

- a. **Initial Statements:** All Designated Employees employed by the State Bar on the effective date of this Code, as originally adopted, promulgated and approved by the Board of Governors, shall file Statements of Economic Interest within thirty (30) days after the effective date of this Code. Thereafter, each person already in a position when it is designated by a future amendment to this Code as a Designated Employee position shall file an initial statement within thirty (30) days after the effective date of the amendment.
- b. **Assuming Office Statements:** All persons assuming Designated Employee positions after the effective date of this Code shall file Statements of Economic Interests within thirty (30) days after assuming the designated positions.
- c. **Annual Statements:** All Designated Employees shall file Statements of Economic Interests no later than April 1st of each year.
- d. **Leaving Office Statements:** All persons who leave Designated Employee positions shall file Statements of Economic Interests within thirty (30) days after leaving office.

e. **Statements for Persons who Resign Prior to Assuming Position:** Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office, provided that they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

1. Any person who resigns a position within 30 days of initial appointment shall do both of the following:

- i. file a written resignation with the appointing power;
- ii. file a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation, he or she did not make, participate in the making or use the position to influence any decision of the agency, or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

Section 6. Contents of and Period Covered by Statements of Economic Interests.

a. **Initial Statements.** Initial Statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the Code, and income received during the 12 month period prior to the effective date of the Code.

b. **Assuming Office Statements.** Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office.

c. **Annual Statements.** Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the Code or the date of assuming office, whichever

is later.

d. **Leaving Office Statements.** Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. Reportable Interests. Manner of Reporting.

Statements of Economic Interests shall be made on forms prescribed by the Fair Political Practices Commission (hereinafter "FPPC") and supplied by the State Bar, and shall contain the following information:

a. **Investments and Real Property Disclosure.** When an investment or an interest in real property is required to be reported.¹ In addition, investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act and are therefore not reportable. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater. The statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds one thousand dollars (\$1,000) but does not exceed ten thousand dollars (\$10,000), whether it exceeds ten thousand dollars

¹**Reportable Investments and Interests in Real Property.** For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

(\$10,000) but does not exceed one hundred thousand dollars (\$100,000), whether it exceeds one hundred thousand dollars (\$100,000) but does not exceed one million dollars (\$1,000,000), or whether it exceeds one million dollars (\$1,000,000).

b. **Personal Income Disclosure.** When personal income is required to be reported,² the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least five hundred dollars (\$500) but did not exceed one thousand dollars (\$1,000), whether it was in excess of one thousand dollars (\$1,000) but was not greater than ten thousand dollars (\$10,000), whether it was greater than ten thousand dollars (\$10,000) but not greater than one hundred thousand dollars (\$100,000), or whether it was greater than one hundred thousand dollars (\$100,000);

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan, and the term of the loan.

c. **Business Entity Income Disclosure.** When income of a business entity, including

²**Reportable Income.** A Designated Employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

income of a sole proprietorship, is required to be reported,³ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

d. **Business Position Disclosure.** When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

e. **Acquisition or Disposal During Reporting Period.** In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

Section 8. Prohibition on Receipt of Honoraria.

No Designated Employee shall accept any honorarium from any source, if the Designated Employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

Government Code section 89501 and Government Code section 89502(c) shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

³**Reportable Business Entity Income Disclosure.** Income of a business entity is reportable only if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Section 8.1 Prohibition on Receipt of Gifts of \$330 or more.

No Designated Employee shall accept gifts with a total value of more than three hundred thirty dollars (**\$330**) in a calendar year from any single source, if the Designated Employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

Government Code section 89503(e), (f), and (g) shall apply to the prohibitions in this section.

Section 8.2 Personal Loans.

a. Except as set forth in subdivision (b), a personal loan received by any Designated Employee shall become a gift to the Designated Employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - i. The date the loan was made.
 - ii. The date the last payment of one hundred dollars (\$100) or more was made on the loan.
 - iii. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

b. This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this Code.

3. A loan that would otherwise not be a gift as set forth under subdivision (a), but on which the creditor has taken reasonable action to collect the balance due.
 4. A loan that would otherwise be a gift as set forth under subdivision (a), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
 5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.
- c. Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

Section 9. Disqualification.

No Designated Employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the Designated Employee or a member of his or her immediate family or on:

- a. Any business entity in which the Designated Employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more:
 1. Any real property in which the Designated Employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;
 2. Any source of income (other than gifts and other than loans by a commercial

lending institution made in the regular course of business on terms available to the public without regard to official status) aggregating two hundred and fifty hundred dollars (\$250) or more in value provided to, received by or promised to the designated Employee within 12 months prior to the time when the decision is made;

3. Any business entity in which the Designated Employee is a director, officer, partner, trustee, employee, or holds any position of management; or

4. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the Designated Employee within 12 months prior to the time when the decision is made.

Section 10. Legally Required Participation.

No Designated Employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a Designated Employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this Section.

Section 11. Manner of Disqualification.

When a Designated Employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a Designated Employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other Designated Employees, this determination and disclosure shall be made in writing to the Designated Employee's supervisor.

Section 12. Assistance of the Commission and Counsel.

Any Designated Employee who is unsure of his or her duties under this Code may request assistance from the FPPC pursuant to Government Code section 83114 or from the State Bar Office of General Counsel, provided that nothing in this Section requires the attorneys for the agency to issue any formal or informal opinion.

Section 13. Violations.

This Code has the force and effect of law. Designated Employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code sections 81000 - 91015. In addition, a decision in relation to which a violation of the disqualification provisions of this Code or of Government Code section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.

Section 14. Interpretation With Other Laws.

The financial disclosure and disqualification requirements of this Code are in addition to the disclosures required under California Business and Professions Code sections 6035, et seq.

CONFLICT OF INTEREST CODE - APPENDIX A
DESIGNATED EMPLOYEE POSITIONS¹
(Revised November 2002)

<u>OFFICE AND POSITIONS</u>	<u>DISCLOSURE CATEGORIES</u>
I. Office of the Executive Director	
Executive Director & Secretary	1
Deputy Executive Director	1
Special Ass=t to the Executive Director	1
Special Ass=t to the Executive Director	1
Chief Legislative Counsel	1
Legislative Counsel	1
Principal Legislative Consultant	1
Director of Media Services & Information	2, 7, 14, 18, 19
Web Editor	2, 7, 19
Editor/Gen Mgr CalBar Journal	2, 14, 19
Sr Editor CalBar Journal	20
Publication & Production Ass=t	20
Public Information Officer	20
Dir JNE & Appointments	4, 11
Sr Administrative Specialist / Supervisor	20
Sr Administrative Specialist / Supervisor	20

¹ Where employees in both San Francisco and Los Angeles have the same job title, only the job title appears and not the location. Employees in either location with the indicated job title should file conflicts reports according to the category listed.

OFFICE AND POSITIONS

DISCLOSURE CATEGORIES

Dir Legal Services Outreach	2, 4, 9, 10, 11, 14, 17, 18
Program Coordinator	2, 4, 10, 11, 18
Dir Legal Services Trust Fund Program	2, 4, 6, 9, 10, 11, 14, 18
Sr Grants Administrator	20
Sr Administrative Ass=t	20
Dir Section Education & Meeting Services	2, 4, 11, 14, 17, 18
Mgr Section Education & Meeting Services	2, 4, 11, 14, 17, 18
Meeting & Event Administrator	2, 4, 11, 14, 17, 18
Section Coordinator	2, 4, 11, 14, 17, 18
Sr Administrative Ass=t	2, 4, 11, 14
Dir Legal Svcs, Access & Fairness Programs	2, 4, 6, 9, 11, 14, 17, 18
Program Developer	2, 4, 11, 14, 17, 18
Dir., Bar Relations Outreach	2, 4, 9, 10, 11, 14, 17, 18
Mgr Human Resources	5, 7, 8, 9, 12
Sr HR Analyst	5, 7, 8
Human Resources Representative	12
Sr Human Resources Ass=t	12

II. Operations

Dir Operations / Chief Operations Officer	1
Dir Administrative Services - LA	2, 4, 7, 10, 11, 13
Sr Administrative Supervisor	10, 13
Supervisor Office & Reception Services	2, 4, 10
Sr Librarian / Archivist	20

OFFICE AND POSITIONS

DISCLOSURE CATEGORIES

Dir Insurance Programs	4, 5
Admin. Ass't, Insurance	4
Supervisor Membership Records	20
Dir Real Property Operations	2, 4, 5, 6, 7, 10, 11, 13, 14 15, 18
Sr Librarian / Archivist	10, 17
Supervisor Office & Reception Services	2, 4, 10, 11
Supervisor Printing Services	2, 10

II. Office of the Chief Trial Counsel

Chief Trial Counsel	1
Special Ass=t to Chief Trial Counsel	20
Deputy Chief Trial Counsel	20
Ass=t Chief Trial Counsel	20
Dir Client Security Fund	20
Sr Administrative Supervisor	20
Dir Central Administration	7, 10
Ass=t Dir Central Administration	20
Mgr Central Administration	20

III. State Bar Court

State Bar Court Judge	20
Administrative Officer / Chief Court Counsel	1
Chief Ass=t Court Counsel	20

OFFICE AND POSITIONS

DISCLOSURE CATEGORIES

Court Administrator	20
Administrative Specialist II	20
Court Services Analyst Technician	20

IV. Fee Arbitration

Dir Fee Arbitration	4
Sr Administrative Ass=t	20

V. Office of Admissions

Sr Executive, Admissions	1
Dir for Examinations	2, 3, 4, 7, 10, 11, 13, 14, 18
Examination Technician	2, 4, 7, 10, 11, 18
Dir for Administration	2, 3, 4, 7, 10, 11, 13, 14
Deputy Dir for Administration	2, 3, 4, 7, 10, 11, 13, 14
Section Chief, Administration	2, 4, 7, 10, 14
Dir for Moral Character Determinations	2, 4, 7, 10, 11, 16, 18
Section Chief, Moral Character Determinations	20
Dir Operations & Management - LA	2, 4, 6, 7, 10, 11, 13, 14
Deputy Dir Operations & Management	2, 4, 6, 7, 10, 11, 13, 14
Section Chief, Operations	2, 4, 11, 13, 14
Section Chief, Receipts	20
Section Chief, Eligibility	20
Section Chief, Petitions/ Info. Svcs.	20

OFFICE AND POSITIONS

DISCLOSURE CATEGORIES

Dir Certification	2, 4, 11, 17, 18
Asst Dir Certification	20
Sr Compliance Coordinator	20
Sr Administrative Supervisor	20
Dir Administration	2, 4, 11, 17
Sr. Admin Supervisor	20

VI. Office of General Counsel

General Counsel	1
Chief Ass=t General Counsel	20
Assistant General Counsel	20
Dir Administrative Support	10
Dir Professional Comp, Programs	2, 4, 11, 14, 17
Sr Administrative Specialist	2, 4, 11, 14, 17
Attorney, Professional Comp	20

VII. Office of Administration & Finance

Dir Financial Planning & Analysis /CFO	1
Dir Finance	6
Supervisor of Accounting	6
Procurement Officer	1
Procurement Supervisor	1
Mgr Budget & Planning	6
Dir Membership Billing	2, 6, 14

OFFICE AND POSITIONS

DISCLOSURE CATEGORIES

VIII. Office of Information Technology

Sr Executive for Information Technology	1
Dir Technical Systems - LA	7, 10
Dir Information Systems - SF	7
Mgr Systems Development	7
Mgr. Systems Operations	7, 10
Mgr Telecommunications	7, 10
Tech. Svcs. Support Tech.	20

IX. Diversion Program

Dir. Lawyers Assistance Program	2, 4, 5, 7, 16, 17, 18, 19
Deputy Dir. Lawyers Asst. Prog.	2, 4, 5, 7, 16, 17, 18, 19

X. Miscellaneous Boards & Commissions

Committee on Group Insurance	20
Committee on Professional Liability Insurance	20
Attorney Diversion and Asst Prog Oversight Committee	20
Board of Legal Specialization	20
Advisory Commission, Legal Specialization	20
Committee of Bar Examiners	20
Client Security Fund Commission	20
Legal Services Trust Fund Commission	20

OFFICE AND POSITIONS

DISCLOSURE CATEGORIES

Consultants

30

APPENDIX B

CONFLICT OF INTEREST CODE
DISCLOSURE CATEGORIES

Category 1. Designated Employees in this category shall disclose, as required by Government Code sections 87206 and 87207 and this Code sections 6 and 7, all reportable investments, business positions in business entities, interests in real property, and sources of income.

Designated Employees in this category shall disclose, as required by Government Code sections 87206 and 87207 and the State Bar's Conflict of Interest Code, all reportable investments in, business positions held in, and sources of income received from the following business entities or individuals:

Category 2. Vendors of typesetting, printing or duplicating services or equipment, and vendors of messenger services.

Category 3. Accredited and unaccredited law schools.

Category 4. Vendors of meeting space, food services, and entertainment.

Category 5. Insurance companies, insurance brokerage firms, carriers, holding companies, underwriters, brokers, solicitors, agents, adjusters, claims managers, actuaries, and third-party administrators.

Category 6. Banks and other financial institutions.

Category 7. Vendors of computers, computer hardware, software, data processing, web hosting, web design, and computer consulting services.

Category 8. Employee benefit providers and administrators of employee benefits.

Category 9. Personnel consulting services.

Category 10. Vendors of office supplies, office equipment, office furniture or building maintenance supplies or services, video or telecom supplies or equipment, and moving and storage services.

Category 11. Travel agencies, hotels, airlines, car rental agencies and ground transport.

Category 12. Employment agencies.

Category 13. Security services.

- Category 14. Mass mailing services.
- Category 15. Companies that engage in land development, construction or the acquisition or sale of real property.
- Category 16. Providers of treatment or services related to chemical dependency.
- Category 17. Providers of continuing legal education, legal publications, online legal research.
- Category 18. Providers of video and audio production services.
- Category 19. Public relations and/or media management consultants.
- Category 20. Designated Employees in this category shall only be required to disclose financial interests on their Statement of Economic Interests under the following circumstances: If during a reporting period, a Designated Employee in this category has been required to make a disclosure under the provisions of Business and Professions Code section 6036, he or she shall disclose the disqualifying interest on a Statement of Economic Interests.
- Category 30. The disclosure category for Designated Employees in this category shall be determined by the Executive Director in consultation with the Board of Governors.